

**Ackerman, Joyce**

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**From:** Ackerman, Joyce  
**Sent:** Thursday, January 18, 2018 10:09 AM  
**To:** rdean@stratuscompanies.com  
**Cc:** Doug Jamison; Stovall - CDPHE, Curtis; Walker - CDPHE, David; Jason King; Dave Folkes; Thomas J. Krasovec; Jonathan H. Steeler; Piggott, Amelia; O'Reilly, Maureen; Fronczak, David; Ketellapper, Victor  
**Subject:** Neuhauser Landfill Site : Applicable or Relevant and Appropriate Requirements  
**Attachments:** ARARs letter and attachment.pdf

Dear Mr. Dean – This letter identifies final Applicable or Relevant and Appropriate Requirements (ARARs) for the time-critical removal action at the Neuhauser Landfill Site. Please do not hesitate to contact me with any questions.

Joyce Ackerman  
On-Scene Coordinator and START P.O.  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202  
(303) 312-6822



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

Ref: EPR-ER

January 18, 2018

Mr. Richard Dean  
Stratus Redtail Ranch, LLC  
8480 E. Orchard Road, Suite 1100  
Greenwood Village, CO 80111

RE: Neuhauser Landfill Site Removal Action: Applicable or Relevant and Appropriate Requirements

SENT VIA E-MAIL to [rdean@stratuscompanies.com](mailto:rdean@stratuscompanies.com)

Dear Mr. Dean:

This letter identifies final Applicable or Relevant and Appropriate Requirements (ARARs) for the time-critical removal action at the Neuhauser Landfill Site (Site) in Erie, Colorado. In determining ARARs for the Site, EPA consulted with the State of Colorado, and carefully considered both specific activities of the removal action, as well as the scope and urgency of the situation. All regulations and laws identified as ARARs must be complied with to the extent practicable, given the exigencies of the circumstances at the Site. All off-Site activities, including shipping hazardous substances off-Site, must comply with substantive and administrative requirements of laws and regulations of federal, state and local authorities.

The attached list identifies the ARARs for this removal action. Please do not hesitate to contact me with any questions at (303) 312-6822 or [Ackerman.joyce@epa.gov](mailto:Ackerman.joyce@epa.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce Ackerman", is written over a horizontal line.

Joyce Ackerman  
On-Scene Coordinator

Attachment

Cc: Doug Jamison - CDPHE  
Curt Stovall - CDPHE  
David Walker - CEPHE  
Jason King - Colorado Office of the Attorney General  
David Folkes - Geosyntec Consultants  
Thomas Krasovec - Geosyntec Consultants  
Jonathan Steeler - Senn Visciano Canges P.C.

Amelia Piggott - EPA  
Maureen O'Reilly - EPA  
David Fronczak - EPA  
Victor Ketellapper - EPA

### **Federal Applicable or Relevant and Appropriate Requirements:**

National Historic Preservation Act (16 USC § 470 et seq., 30 CFR Part 63, Part 65, Part 800.  
*Applicable*

The Historic and Archaeological Data Preservation Act of 1974 (16 USC § 469) *Applicable.*

### **Colorado State Applicable or Relevant and Appropriate Requirements**

Colorado Discharge Permit System Regulations for storm water (5 CCR 1002-61, pursuant to CRS § 25-8-503). *Relevant and appropriate*

Colorado Hazardous Waste Regulations (6 CCR 1007-3, pursuant to CRS § 25-15-101 et. seq.)

#### **PART 261 – Identification and Listing of Hazardous Waste**

- Subpart A - General
    - 261.1 Purpose and scope. *Applicable.*
    - 261.2 Definition of solid waste. *Applicable.*
    - 261.3 Definition of hazardous waste. *Applicable.*
    - 261.4 Exclusions. *Applicable.*
  - Subpart B - Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste
    - 261.10 *Applicable*
  - Subpart C - Characteristics of Hazardous Waste
    - 261.20 through 261.24 *Applicable*
  - Appendices
    - Appendix I Sampling
    - Appendix II TCLP
    - Appendix III Chemical Analysis Test Methods
    - Appendix VIII Hazardous Constituents
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## PART 262 - Standards Applicable to Generators of Hazardous Waste

- Subpart A - General:
  - 262.10 Purpose, scope and applicability. *Applicable.*
  - 262.11 How to make a hazardous waste determination. *Applicable.*
- Subpart C - Pre-Transportation Requirements –
  - 262.34 Accumulation Time. *Applicable.*

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## Colorado Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, pursuant to CRS § 30-20-100.5 et. seq.)

- Section 2 – Minimum Standards
  - 2.1.3 Nuisance conditions (litter, noise, dust, odors) – *relevant and appropriate.*
  - 2.1.4 Water pollution – *relevant and appropriate.*
- Section 5.5 Management of Regulated Asbestos-Contaminated Soil (RACS) – *Applicable.*

Colorado Fugitive Dust Control Plan/Opacity Regulation No.1. (5 CCR 1001-3, pursuant to CRS § 25-7-101 et. seq.) *Applicable.*

Colorado Noise Abatement Statute (CRS § 25-12-101 et. seq.) *Applicable.*